

**TWENTY-SECOND LEGISLATIVE DAY  
MONDAY, FEBRUARY 2, 2004**

House of Representatives

The House convened at 11:15 a.m., the Speaker in the Chair.

Roll call showed 69 members present.  
Absent and excused -- Schaefer. Total -- 1.  
Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Chera Crane, Page.

**Approval of Journal**

February 2, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Nineteenth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

January 30, 2004

Mr. Speaker:

I transmit herewith S 1219, S 1215, S 1214, S 1222, S 1223, and S 1231 which have passed the Senate.

WOOD, Secretary

S 1219, S 1215, S 1214, S 1222, S 1223, and S 1231 were filed for first reading.

January 30, 2004

Mr. Speaker:

I return herewith H 503 which has passed the Senate.

WOOD, Secretary

H 503 was referred to the Judiciary, Rules, and Administration Committee for enrolling.

**Report of Standing Committees**

February 2, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed HCR 37, HCR 38, HJM 14, H 582, H 583, H 584, H 585, H 586, H 587, H 588, H 589, H 590, H 591, H 592, H 593, H 594, H 595, and HJR 9.

FIELD(18), Chairman

HCR 37, H 582, H 583, and H 584 were referred to the Ways and Means Committee.

HCR 38, H 586, H 587, H 588, H 589, H 590, H 591, and HJR 9 were referred to the Judiciary, Rules, and Administration Committee.

HJM 14 was referred to the State Affairs Committee.

H 585 was referred to the Business Committee.

H 592 and H 593 were referred to the Resources and Conservation Committee.

H 594 was referred to the Revenue and Taxation Committee.

H 595 was referred to the Commerce and Human Resources Committee.

February 2, 2004

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration HCR 36, H 510, H 511, HJR 4, and SCR 118 and recommend that they do pass.

DEAL, Chairman

HCR 36, H 510, H 511, HJR 4, and SCR 118 were filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 596  
BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO RECALL ELECTIONS IN SCHOOL DISTRICTS; AMENDING SECTION 33-432, IDAHO CODE, TO REQUIRE A RECALL PETITION FOR A TRUSTEE OF A SCHOOL DISTRICT TO BE CANVASSED NOT MORE THAN TEN DAYS FROM THE DATE OF ITS FILING; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 597  
BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO PUBLIC WORKS CONTRACTS; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2351, IDAHO CODE, TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2352, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT; AND AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2353, IDAHO CODE, TO PROVIDE FOR THE CONSIDERATION OF PROJECTED TAX REVENUE IMPACT IN THE AWARD OF CERTAIN

PUBLIC CONTRACTS, TO PROVIDE A PROCEDURE, TO PROVIDE FOR DEFAULT, TO PROVIDE FOR A RATING FACTOR, TO PROHIBIT CERTAIN BIDDERS AND TO AUTHORIZE THE DEPARTMENT OF ADMINISTRATION TO PROMULGATE RULES.

**HOUSE BILL NO. 598**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO PUBLIC WORKS; AMENDING SECTION 44-1001, IDAHO CODE, TO REQUIRE CONTRACTORS, OR PERSONS IN CHARGE OF A CONTRACT, TO FILE CERTAIN REPORTS WITH THE CONTRACTING AUTHORITY.

**HOUSE BILL NO. 599**  
**BY REVENUE AND TAXATION COMMITTEE**  
AN ACT

RELATING TO PARTIAL EXEMPTION FOR PARCELS OF LAND IN A RURAL HOMESITE DEVELOPMENT PLAT; AMENDING SECTION 63-602FF, IDAHO CODE, TO SPECIFY CONDITIONS FOR DETERMINING ELIGIBILITY FOR THE EXEMPTION, TO SPECIFY EVENTS WHICH WILL TERMINATE ELIGIBILITY, TO PROVIDE AN EFFECTIVE DATE UPON LOSS OF ELIGIBILITY FOR THE EXEMPTION, TO PROVIDE FOR APPLICATION FOR THE EXEMPTION AND AN EFFECTIVE DATE, TO PROVIDE THAT THE EXEMPTION SHALL NOT APPLY TO LAND WHICH IS PART OF A PLATTED SUBDIVISION IF THERE ARE RESTRICTIONS ON ITS USE FOR AGRICULTURAL PURPOSES, TO PROVIDE THAT THE RECORDING OF A PLAT OF SUBDIVISION SHALL NOT BY ITSELF PROHIBIT THE EXEMPTION, TO DEFINE "IMPROVEMENT," "OWNER," "PARCEL," AND "SALE" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-604, IDAHO CODE, TO PROVIDE AN EXCEPTION TO THE PROHIBITION ON CLASSIFYING OR VALUING LAND AS AGRICULTURAL WHEN IT IS PART OF A RURAL HOMESITE PLATTED SUBDIVISION AND TO MAKE A TECHNICAL CORRECTION; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

**HOUSE BILL NO. 600**  
**BY REVENUE AND TAXATION COMMITTEE**  
AN ACT

RELATING TO COLLECTION OF DELINQUENCY; AMENDING SECTION 63-1015, IDAHO CODE, TO PROVIDE FOR APPORTIONMENT OF PROCEEDS FROM REDEMPTION TO INCLUDE A REMITTANCE TO THE RECORD OWNER OR OWNERS OR ANY PARTY IN INTEREST OF AMOUNTS REMAINING AFTER DEDUCTION OF THE DELINQUENCY, LATE CHARGES, ACCRUED INTEREST, COSTS, FEES AND THE COSTS OF TRANSACTING THE SALE; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 601**  
**BY REVENUE AND TAXATION COMMITTEE**

AN ACT

RELATING TO EXEMPTIONS FROM THE SALES AND USE TAX; AMENDING SECTION 63-3622O, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM SALES AND USE TAXES FOR SALES TO OR PURCHASES BY THE BLIND SERVICES FOUNDATION, INC.

**H 596, H 597, H 598, H 599, H 600, and H 601** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**S 1215**, by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

**S 1214**, by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

**S 1222 and S 1223**, by Local Government and Taxation Committee, were introduced, read the first time by title, and referred to the Local Government Committee.

**S 1219 and S 1231**, by Finance Committee, were introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Eleventh Order of Business.

**Third Reading of Bills and Joint Resolutions**

**H 565** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Harwood to open debate.

The question being, "Shall **H 565** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydallch, Saylor, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- Barrett, Cuddy. Total -- 2.

Absent and excused -- Crow, Langhorst, Sali, Schaefer. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 565** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 566** was read the third time at length, section by section,

and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Meyer to open debate.

The question being, "Shall **H 566** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Salyer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Sali, Schaefer. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 566** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that **H 501** retain its place on the Third Reading Calendar for one Legislative Day. There being no objection, it was so ordered.

**H 535** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Smylie to open debate.

The question being, "Shall **H 535** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Salyer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- Kulczyk. Total -- 1.

Absent and excused -- Schaefer. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 535** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 473** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Cuddy to open debate.

The question being, "Shall **H 473** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Salyer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Schaefer. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 473** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 533** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Clark to open debate.

The question being, "Shall **H 533** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Salyer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Bedke, Schaefer. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 533** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 534** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Langhorst to open debate.

The question being, "Shall **H 534** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Schaefer. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 534** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**S 1213** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **S 1213** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bedke, Bell, Black, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- Barrett. Total -- 1.

Absent and excused -- Block, Schaefer. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **S 1213** passed the House. Title was approved and the bill was ordered returned to the Senate.

**S 1216** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Field(23) to open debate.

The question being, "Shall **S 1216** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Block, Schaefer. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **S 1216** passed the House. Title was approved and the bill was ordered returned to the Senate.

**S 1217** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

The question being, "Shall **S 1217** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Block, Schaefer. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **S 1217** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Sali asked unanimous consent that he be recorded as voting in the affirmative on **H 565** and **H 566**. Ms. Jaquet objected.

**S 1218** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Field(23) to open debate.

The question being, "Shall **S 1218** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Saylor, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker.  
Total -- 67.

NAYS -- Harwood. Total -- 1.

Absent and excused -- Block, Schaefer. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **S 1218** passed the House. Title was approved and the bill was ordered returned to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

#### **Adjournment**

Mr. Denney moved that the House adjourn until 11:15 a.m., Tuesday, February 3, 2004. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:04 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk